

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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**Equal Employment Opportunity  
Commission**

**Plaintiff,**

**v.**

**Case No: 10-cv-562**

**Woodman's Food Markets, Inc.**

**Defendant.**

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**DEFENDANT'S INITIAL RULE 26 DISCLOSURES**

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Defendant, Woodman's Food Markets, Inc., by its attorneys, Boardman, Suhr, Curry & Field LLP, submit the following disclosure pursuant to FRCP 26(a)(1):

- A. The name, and if known, the address and telephone number of each individual likely to have discoverable information the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subject of the information.**

The following individuals are Woodman's employees and can be contacted through its counsel:

1. Phil Woodman - President
2. John Adams - Vice President
3. Kristin Popp - Human Resources
4. Pete Mentele - Beloit Store Manager
5. Mark Joiner - Beloit Lube Manager
6. Deb Arnold - Woodman's corporate office manager
7. Beloit gas and lube station employees - June 2005 - June 2006 (this will be produced within one week)

- B. A copy of, or a description by category and location of all documents, data compilations, and tangible things in possession, custody or control of the party that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

1. Kimberly McMillen-Goodwin personnel file, including medical records and IME reports (already in plaintiff's possession);
2. Woodman's General Policies Manual (previously submitted to EEOC 5.30.07, Exhibit 1);
3. Woodman's/UFCW Local 1444 Collective Bargaining Agreement (2005-2008) (previously submitted to EEOC 5.30.07, Exhibit D);
4. Beloit Gas and Lube schedules June 2005 - June 2006 (currently located at Woodman's General Offices, Janesville, Wisconsin);
5. Beloit Store postings June 2005 - June 2006 (currently located at Woodman's General Offices, Janesville, Wisconsin);
6. Woodman's Central Office postings June 2005 - June 2006 (currently located at Woodman's General Offices, Janesville, Wisconsin);
7. Woodman's Beloit and Central Office payroll log of new hires/terminations June 2005 - June 2006 (currently located at Woodman's General Offices, Janesville, Wisconsin);
8. Beloit Gas and Lube End of Day Reports 2006 - present (currently located at Woodman's General Offices, Janesville, Wisconsin);
9. Beloit Gas and Lube Service Invoices June 2005-2006 (currently located at Woodman's General Offices, Janesville, Wisconsin);
10. Beloit Gas and Lube Procedures (previously submitted to the EEOC - 10.28.09, Exhibit C);
11. Beloit 3rd Shift Maintenance duties (previously submitted to the EEOC - 10.28.09, Exhibit F);
12. Beloit 1st and 2nd shift Cardboard duties (previously submitted to the EEOC - 10.28.09, Exhibit G);
13. Beloit bagger and checker job duties (previously submitted to the EEOC - 10.28.09, Exhibit H); and
14. Summary of Store Job Duties (Attached)

- C. **A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

At this time, this type of computation is not applicable with respect to defendants.

- D. **For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Not applicable.

Dated this 31st day of January, 2011.

BOARDMAN, SUHR, CURRY & FIELD LLP

By

/s/ Steven C. Zach

Steven C. Zach, State Bar No: 1006868

Attorney for Defendant, Woodman's Food Markets,  
Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of January, 2011, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification electronically to all attorneys of record.

/s/ Steven C. Zach

Steven C. Zach, State Bar No. 1006868

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To Whom It May Concern:

The following is an accounting of job duties for the specified positions—

1. Bakery Clerk—

- A. Interacting with and answering all customers' questions.
- B. Decorating cakes.
- C. Stocking and rotating selected items throughout the Department (i.e. bread, rolls, buns, cakes, deli items, etc.) These items vary in weight from One to 25 pounds.
- D. Removing items from frozen storage to prepare for stocking. (This may be in either case or pallet quantities.)
- E. Emptying trash and/or picking up boxes in the department as needed.
- F. Minor maintenance throughout the department as needed...this includes mopping, sweeping and some surface cleaning (counters, etc.)
- G. Assisting in ordering product for the department, as directed by the Dept. Head.
- H. Mark down/reduce dated products as needed

2. Meat Clerk—

- A. Interacting with and answering all customers' questions.
- B. Wrapping and pricing meat as needed.
- C. Stocking and rotating items throughout the dept. (i.e. meat items, frozen items, deli items, etc.) These items vary in weight from one to fifty pounds.
- D. Moving items from frozen or cold storage to prepare for stocking. (This may be in either case or pallet quantities.)
- E. Emptying trash and/or picking up boxes in the Department as needed.
- F. Minor maintenance throughout the Department as needed...this includes mopping and sweeping as needed.
- G. Cleaning and maintaining assorted equipment in the meat department (i.e. the meat slicer, etc.)
- H. Mark down/reduce dated product as directed by the Meat Manager.

Produce Clerk—

- A. Interacting with and answering all customers' questions.
- B. Preparing items for eventual sale (i.e. cutting and wrapping watermelons, preparing gift baskets, etc.)
- C. Stocking and rotating items throughout the Produce Dept. (i.e. all produce, and selected refrigerated items, etc.) These items vary in weight from less than one pound up to fifty pounds.
- D. Moving items from cold and warm storage to prepare for stocking (This is typically in pallet quantities.)
- E. Emptying trash and/or picking up boxes in the Department as needed.
- F. Minor maintenance throughout the Department as needed...this includes mopping and sweeping as needed

- G. Cleaning and maintaining assorted equipment in the Produce Department (i.e. the wrapper, knives, etc.)
- H. Remove sub-par product from sales floor to be reduced or disposed of as the situation dictates.

Liquor Clerk—

- A. Interacting with and answering all customers' questions.
- B. Operate the cash register to the completion of all sales transactions.
- C. Assisting all customers in the 'check-out' procedure...this includes physically moving items across the scanner and/or between carts. These items vary in weight from less than one pound up to thirty pounds.
- D. Occasionally stocking and/or rotating items as needed throughout the Department as needed. These items vary in weight from less than one pound up to forty pounds.
- E. Moving items from storage to prepare for stocking. (This is either in case or pallet quantities.)
- F. Emptying trash and/or picking up boxes in the Department as needed.
- G. Minor maintenance throughout the Department as needed...this includes sweeping and wiping up spills as needed.

Warehouse Clerk—

- A. Operate all necessary equipment to OSHA Guidelines. This includes all three and four wheeled jacks, 'walkie' jacks and order pickers.
- B. Unload deliveries from Semi-Trucks. This may include 'slip sheeting' which requires handling empty pallets...these pallets can weight between 25 to 50 pounds.
- C. 'Splitting' loads. This often requires that the employee hand-stack cases on pallets...These cases weigh from two to three pound up to 50+ pounds.
- D. Pulling loads. This requires that the employee 'builds' pallets of product to be shipped out. The 'Building' of pallets require hand stacking onto an empty pallet...The items being stacked vary in weight from one up to 50+ pounds.
- E. Loading trucks to be sent out to other stores.
- F. Completing any necessary paperwork.
- G. Minor maintenance throughout the warehouse...this may include sweeping or mopping as needed.
- H. Warehouse Clerks are regularly scheduled in the store as stockers or checkers. They can also be scheduled in the Gas Station and/or Lube. As such, they are required to perform any of the required functions for these positions also. (See Stocker, Checker, Bagger, Gas Station, Lube, etc.)

Receiving Clerk—

- A. Responsible for physically checking all merchandise that is delivered to the store. This requires frequently moving cases to check quantities and moving items with hand jacks and two wheeled trucks...These items may weigh from one pound up to fifty pounds.



- B. Entering all Delivery information into the DSD computer and assuring all info 'balances.'
- C. Minor maintenance in the Receiving area...This includes sweeping, and mopping as needed. Also responsible for organizing empty pallets...This requires to employee to frequently lift and stack the pallets by hand... Pallets vary in weight from 25 up to 50 pounds.
- D. As a Clerk, the receiving person is occasionally called upon to assist in Checking, Stocking, Bagging, and Cardboard duties. (See Checker, Stocker, Bagger and Cardboard.)

Pricing Clerk—

- A. Interacting with and answering all customers' questions.
- B. Inputting pricing data in pricing computer, running batches, printing tags and signs and hanging tags and signs throughout the store.
- C. Covering co-workers breaks in selected Departments. These include Liquor, Photo, Clerical and F.E. Supervisors, etc.
- D. As this is a Clerks position, all pricing employees are frequently called upon to perform a Clerks functions. (See Checker, Stocker, Bagger and Cardboard, etc.)

Gas Station Clerk—

- A. Interacting with and answering all customers' questions.
- B. Operating the cash register to the completion of all sales transactions.
- C. Ordering, Stocking and rotating selected items in the Gas Station. (i.e. cigarettes, candy, soda, etc. These items weigh from less than one pound to 25 pounds.
- D. Minor maintenance throughout the Gas Station as needed...this includes mopping, sweeping and emptying trash, etc.
- E. Answering the phones for the Store, Warehouse and the Gas Station.
- F. All Gas Station Clerks are also required to perform all functions of a Lube Clerk, as they are required to help in the Lube frequently throughout the day. (See Lube Clerk)

Lube Clerk—

- A. Interact with and answering all customers' questions.
- B. Operating the Lube station Computer to the completion of all Lube transactions.
- C. Perform all Lube functions....These include opening and closing vehicles hoods, removing oil plugs, removing oil filters, greasing all accessible grease fittings, check and fill fluids, check tire pressure and add air if needed, check and change wiper blades as needed, change headlights as needed, and clean air filters.
- D. Minor maintenance throughout the Gas Station including changing light bulbs, mopping and sweeping, emptying trash, clean car wash, pick up

cardboard, clean out vacuum, replace nozzles and hoses on pumps and replace gas filters as needed, etc.

- E. Do pop orders, oil orders, grease car wash, change oil in compressor, stock oil and oil filters, check buried gas tanks, and put away orders after arrival. These items weigh from less than one pound up to 30 pounds.
- F. All Lube Clerks are frequently called upon to perform the duties of the Gas Station Clerk. (See Gas Station Clerk.)
- G. As this is a Clerks position, Lube Clerks are occasionally scheduled in the store to perform Clerks work. (See Checker, Stocker, Bagger, Cardboard.)

Photo Clerk—

- A. Interacting with and answering all customers' questions.
- B. Operating the cash register to the completion of all sales transactions.
- C. Perform all Photo Processing functions. These include replacing chemical cartridges when empty, adding water to the printers (4 to 8 liters at a time depending on the machine...this must be done up to six times a day, depending on business.), Empty chemical waste everyday (anywhere from 4 to 10 liters.) then dump into the 'silver recovery' tank, (These liquids weigh from 5 to 14 pounds.), frequently change paper canisters (These weigh 20-25 pounds each.), print and package all photos, scan slides, pull racks out of processor for cleaning (Daily)and/or when paper jams occur (Occasionally).
- D. Minor maintenance throughout the Department as needed. This includes emptying trash, sweeping, mopping and wiping down the machines.
- E. Assist customers at the Photo Kiosks as needed
- F. Sell Lotto Tickets.
- G. Remove product from storage to prepare for stocking. (This can be in either case or pallet quantities.)
- H. Stock items throughout the Photo Department. These items vary in weigh from one pound up to 25 pounds.
- I. As this is a Clerks position, Photo Clerks are occasionally scheduled to perform Clerks work. (See Checker, Stocker, Bagger, Cardboard.)

Pete Mentele  
Manager  
Woodman's, Beloit